

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

Writ Petition No.9105 of 2003

Solapur Recovery Officer, Solapur
Dist Ind Coop Bank Ltd .. Petitioners

VS

Special Recovery Officer Solapur, Solapur
Nagari Audhyogik Coop Bank & ors... Respondents

Mr Mhatre for P.K.Dhakephalkar for petitioners

Mr.P.M.Arjunwadkar for respondent no.1

CORAM: S.U.KAMDAR J.

Dated 16.12.2005

P.C:

. The present petition is challenging the order passed by the Divisional Joint Registrar on 1.10.2003. In an interse dispute between two banks recovery proceedings were initiated and the amount recoverable by the respondents from the petitioners is around Rs.6 crores in two suits. In so far as the said recovery certificate issued, the respondent bank attached the award which was passed in favour of the petitioner bank for recovery of a sum of Rs. 2 crores from Solapur Weavers

Association and against the said attachment revision has been filed. In the facts and circumstances of the case I am of the opinion that the matter must be heard on merits and ought not to have been dismissed for default. However, in view of the fact that there are defaults on the part of the petitioners for remaining present in court I am of the opinion that the interest of justice would be served by passing following order:

. The impugned order dated 1.10.2003 is quashed and set aside. Revision application no.66 of 2003 is restored. The Divisional Joint Registrar Pune Division is directed to dispose of the revision application on or before 28.2.2006. The petitioners to pay costs to the respondent bank quantified at Rs.25,000/-.

. Petition is disposed of accordingly.